

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 251

This is an advisory opinion in response to a request for advice from the Ethics Commission as to whether a conflict of interest would be created if an individual ("A") is confirmed to serve as a member of the Liquor Commission.

The Commission understands the facts relative to this inquiry to be as follows:

For the past ten years A has been a real estate salesperson working as an independent contractor selling residential property exclusively. A has never completed a real estate transaction that involved a person who is a liquor licensee. The Mayor has appointed A to serve as a Liquor Commissioner for the City and County of Honolulu. A has agreed that if any former client of A appears before the Liquor Commission, A will be recused. Also, A has agreed that A will not accept as a client any person who is a liquor licensee or who holds a financial interest in a licensed establishment as long as A serves as a Liquor Commissioner.

The ethical question presented is whether A's employment as a real estate salesperson creates a conflict of interest with A's anticipated service as a Liquor Commissioner.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(c), which states in pertinent part:

No elected or appointed officer or employee shall...[e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that no conflict of interest is created by A's service on the Liquor Commission, providing A honors A's agreements in regard to recusal and refusing to accept certain persons as clients.

Dated: May 24, 1995

SAMUEL L. DOMINGO  
Chair, Ethics Commission